

### **REMARKS**

Claims 1-36 are now pending in the application. Claims 32-36 are new. Support for the new claims and the amendments to the claims can be found throughout the Drawings and Specification. As such, no new matter is added. Minor amendments have been made to the Specification and Claims to simply overcome the objections to the specification and claims. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein and the Request for Continued Examination (RCE) filed herewith.

Applicants would like to thank the Examiner for courtesy extended during the interview on May 23, 2008. During the interview, the Examiner agreed that the claims distinguish over the prior art of record subject to further consideration and/or search. Applicants would also like to thank the Examiner's Supervisor, Eddie Chan, for courtesy extended during the teleconference on May 29, 2008. During the teleconference, the Examiner's Supervisor agreed that the §101 rejection to the claims may be overcome through minor amendments to the Claims and Detailed Description.

### **CLAIM OBJECTIONS**

Claim 31 is objected to for informalities. Applicants have amended Claim 31 simply to overcome the objections thereto. Claim 31 is therefore believed to be in a condition for allowance for at least this reason.

### **REJECTION UNDER 35 U.S.C. § 101**

Claims 11-20 are rejected under 35 U.S.C. § 101 based on subject matter that was cancelled from the Detailed Description. This rejection is respectfully traversed.

The Examiner's Supervisor agreed that amending the claims to clarify that Applicants are claiming a computer readable storage medium rather than a carrier wave medium would overcome the new matter rejection to the claims under 35 USC §101 provided that the deleted subject matter is reentered. Paragraph [00056] has therefore been amended to include the original subject matter. Applicants therefore note that the material including "a storage medium or carrier wave medium. An optical or electrical wave 660 modulated or otherwise generated to transport such information may define a carrier wave medium" was provided in the Detailed Description as filed and has been entered simply to overcome the new matter rejection to the claims under 35 USC §101.

Applicants have therefore amended the claims and Detailed Description as suggested by the Examiner's Supervisor; and this rejection is therefore believed to be overcome. The amendments to the claims are fully supported by the Detailed Description as filed. As such, no new matter has been added.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-9, 11-19, and 21-31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Merchant et al. (U.S. Pat. No. 6,385,715). This rejection is respectfully traversed.

With respect to amended Claim 1, Merchant does not at least show, teach or suggest enqueueing an instruction if completion of the instruction is prevented by a detected blocking condition and reissuing the instruction if a detected blocking condition of at least one other instruction is satisfied.

As best understood by Applicants, Merchant enqueues long latency instructions when they execute improperly until data is received that allows them to execute properly. Further, additional instructions that depend from the long latency instructions are enqueued along with the long latency instructions. Further, instructions that fail to execute properly after enqueueing the long latency instructions are also enqueued. Column 9, Lines 10-24. However, in Merchant neither the dependent instructions nor the additional instructions are enqueued because of a detected block condition. Both the dependent instructions and the additional instructions are enqueued based on the long latency instructions and/or improper execution of the instruction. Therefore, both the dependent instructions and the additional instructions are released when the long latency instruction is released and not when a respective blocking condition is satisfied.

In contrast, Claim 1 enqueues a selected instruction if the selected instruction is blocked by a detected blocking condition. Claim 1 also enqueues at least one other instruction until a detected blocking condition is satisfied for the at least one other instruction. In other words, Claim 1 includes at least two instructions that are enqueued until respective detected blocking conditions are satisfied. Merchant, on the other hand, simply enqueues the long latency instruction if it fails to execute properly and then enqueues various other instructions in dependence on the long latency instruction. The various other instructions are released when the long latency instruction is released – not when detected blocking conditions for the various other instructions are satisfied, as in Claim 1.

For anticipation to be present under 35 U.S.C. § 102(b), there must be no difference between the claimed invention and the reference disclosure as viewed by

one skilled in the field of the invention. Scripps Clinic & Res. Found. V. Genentech, Inc., 18 USPQ.2d 1001 (Fed. Cir. 1991). All of the limitations of the claim must be inherent or expressly disclosed and must be arranged as in the claim. Constant v. Advanced Micro-Devices, Inc., 7 USPQ.2d 1057 (Fed. Cir. 1988). Merchant does not at least show, teach or suggest at least two queued instructions having respective blocking conditions. Satisfaction of a blocking condition for one of the instructions allows the other instruction to issue.

Therefore, Claim 1 is allowable for at least these reasons. Claims 11, 21, 26 and 31 are allowable for at least similar reasons as Claim 1. Claims 2-10, 12-20 and 27-30 ultimately depend from Claims 1, 21 and 26 and are allowable for at least similar reasons.

#### **NEW CLAIMS**

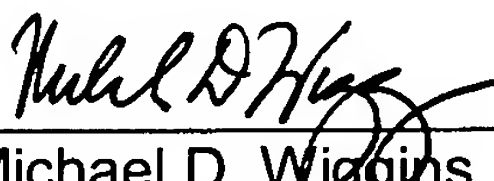
Claims 32-36 are new and are fully supported by the Claims and Detailed Description as filed, namely Paragraphs [00032]-[00034]. As such, no new matter has been added. Claims 32-36 are allowable for at least similar reasons as Claim 1.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:   
Michael D. Wiggins  
Reg. No. 34,754

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MDW/JHP/mp